

10/053,072

Attorney Docket No.: 42P11135

**Remarks:**

Reconsideration of the above referenced application in view of the enclosed amendment and remarks is requested. Claim 21 has been amended to correct a grammatical error. Existing Claims 1 to 30 remain in the application.

**ARGUMENT**

Claims 1-4, 7, 11-14, 17, 21-24 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,014,151 to Cohen et al. (hereafter "Cohen et al."), in view of U.S. Patent Publication 2002/0097244 to Merrick et al., now USPN 6,433,784 (hereinafter, "Merrick et al."). This rejection is respectfully traversed, and Claims 1-4, 7, 11-14, 17, 21-24 and 27 and their progeny are believed allowable based on the following discussion.

Claims 5, 15 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al., in view of Merrick et al., and further in view of "Computer Graphics: Principles in Practice" 1996, Addison-Wesley, by James D. Foley, et al. (hereinafter, "Foley et al."). This rejection is respectfully traversed, and Claims 5, 15 and 25 and their progeny are believed allowable based on the following discussion.

Claims 6, 9, 10, 16, 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al., in view of Merrick et al., and further in view of Foley, et al., and further in view of USPN 5,500,925 to Tolson (hereinafter, "Tolson"). This rejection is respectfully traversed, and Claims 6, 9, 10, 16, 19 and 20 and their progeny are believed allowable based on the following discussion.

Claims 26, 29 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al., in view of Merrick et al., and further in view of Foley, et al., and further in view of USPN 5,500,925 to Tolson (hereinafter, "Tolson"). This rejection is respectfully traversed, and Claims 6, 9, 10, 16, 19 and 20 and their progeny are believed allowable based on the following discussion.

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The Examiner cites Merrick et al. as teaching the client-server aspects of the present invention. Other aspects of the invention are asserted as cited in the Cohen et al., Foley et al., and Tolson references. The client-server elements of Applicant's invention that the Examiner asserts are shown by Merrick et al., are recited in the independent claims. Merrick et al., is improperly combined with Cohen et al., Foley et al., and Tolson, and thus, Claims 1-30 are believed allowable.

Merrick et al. teach a system and method providing an easy to use tool for preparing animated characters for use on the Internet or in other environments. The system and method taught by Merrick et al. automatically choreographs and synchronizes reusable animation components with dialog streams and with gestures. Once generated, the resulting choreography can be embedded into a hypertext markup language (HTML) web page with an appropriate audio player plug-in to deliver any number of animated dialogues with minimal wait time and minimal developer effort, or can be similarly embedded or used with other software.

In contrast, Applicant's claimed invention is a method of modeling a particle system composed of particles having attributes. The method includes receiving a definition of a particle path, modifying at least one attribute of a particle based on a distance between the particle and the particle path, and rendering the particles. The method may also include receiving particle attribute information and generating a set of attributes based on the particle attribute information.

Merrick et al. do not teach or suggest a system using a particle system or using particle paths. Particle systems, generally, are known to those of skill in the art. As defined in the Background section:

"Particle systems are often used to model animations of "flowing" systems, that is, modeling a set of objects that possess some common characteristics and/or movements." [Emphasis added]

Applicant's claimed invention (Claim 1, for instance) is a particle system requiring *receiving, by a client a definition of a particle control path from a server.* Merrick et al. do not teach a particle system or receiving a particle control path from a server. It will be apparent to one skilled in the art of computer animation that a single animated character, as taught by Merrick et al., is not the same as a particle system. Further, animated characters that gesture, lip-synch, or move an arm upward or toward the left as requested by the user are not the same as

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particles that are defined to move in conjunction with the particle control path according to a mathematical algorithm.

It would not be obvious to combine Merrick et al. with any of the other cited references (Cohen et al., Tolson or Foley et al.) as they all relate to particle systems or mathematical algorithms (i.e., spline curves) used to define the control path. One of ordinary skill in the art would not see the teaching of the Merrick et al. animation tool as being related to particle systems and would therefore have no motivation to combine aspects of Merrick et al. with the other cited references. Further, combining Merrick et al. with the other cited references would not result in Applicant's claimed invention as Merrick et al. does not relate to particle systems. Thus, there would be no connection as to what aspects of the particle system teachings of the other references were to be performed by a server or by the client.

Since the combination of references is improper, the Examiner has not made a prima facie case for obviousness of Applicants independent claims. Therefore, all pending claims in the application are believed allowable.

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### CONCLUSION

In view of the foregoing, Claims 1-30 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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s /Joni D. Stutman-Horn/

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